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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,619

12/10/2003

Ellen Lasch

37355-202

8507

7590

05/02/2005

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EXAMINER

WALSH, DANIEL I


ART UNIT

PAPER NUMBER

2876

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,619	<b>Applicant(s)</b> LASCH ET AL. 	
	<b>Examiner</b> Daniel I. Walsh	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Receipt is acknowledged of the Amendment of 22 February 2005.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-9, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US 5,004,899) in view of McLeroy (US 5,257,656).

Re claims 1-2, Ueda teaches a foldable transaction card with first and second sections hingably attached (FIG. 1a+). Ueda is silent to a housing surrounding the card with a hinge for folding the housing. The Examiner notes that hinged boxes, wallets, purses, organizers, etc. for example, are well known and conventional for holding secure items, such as cards. Simply

reciting a housing for a card it therefore obvious and conventional in the art, and as claimed, the housing is not integral to the card. Simply specifying a housing with a hinge that surrounds the card when folded, is obvious, as a means to removably hold the card (see US 4,884,507). Re claim 18, a fold line is taught via FIG. 1a. Re claim 19, Ueda teaches a strip 3 connected to first and second sections.

Ueda is silent to the housing having at least one dimension smaller than a standard transaction card when the housing is in the folded and closed state.

McLeroy teaches (FIG. 1) a wallet/card holder, with folded sides, than when closed, has a dimension smaller than a standard transaction card. The Examiner notes that it is well within the skill in the art to place a folded card in the card slot/hole, to transport the card. Though silent to actual hinges, the Examiner notes that the folds are interpreted as functional equivalent as hinging means to permit the different parts of the wallet to be opened/closed, and hence are interpreted as hinging means or hinges. Re claim 2, it is clear that the card is removable from the housing. Re claim 3, the Examiner interprets that by placing the card in the slot that it is attached to the housing (removably attached), in as much as the Applicants invention is attached via tracks. As the Applicants tracks merely hold the card, the slot is interpreted as attaching the card to the housing. Re claim 4, the Examiner notes that FIG. 2 teaches sections with hinging means disposed between. Re claims 5-8, the Examiner notes that the slot/pocket of the wallet is broadly interpreted as a track means to accept the card disposed therein, to attach the card to the housing (removably). Re claim 9, FIG. 2 shows the housing has an opening to access a card.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Ueda with those of McLeroy.

One would have been motivated to do this in order to have a means to transport the card in a folded position to protect the card and keep it out of sight.

The Examiner notes that it is well known that a folded card can be put in the pocket/sleeve of a wallet, for example, in a folded position, whereby when the wallet/housing is opened, the card is able to be unfolded. Further, the Examiner notes its well-known and conventional for magnetic stripes to be disposed on a card, in addition to or in place of IC chips, depending on the desired application/functionality/storage, and that such modification is obvious in the art for those reasons. Further, depending on how the card and wallet/housing are manipulated, it is obvious that the card can be read both while it still remains in the wallet/housing (by folding parts of the wallet while still keeping the card disposed therein, and also by simply removing the card).

3. Claims 1, 2, 3, 4, 5, 6, 9, 18, and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda in view of Elnekaveh (US 6,823,910).

Re claims 1-2, Ueda teaches a foldable transaction card with first and second sections hingably attached (FIG. 1a+). Ueda is silent to a housing surrounding the card with a hinge for folding the housing. The Examiner notes that hinged boxes, wallets, purses, organizers, etc. for example, are well known and conventional for holding secure items, such as cards. Simply reciting a housing for a card it therefore obvious and conventional in the art, and as claimed, the housing is not integral to the card. Simply specifying a housing with a hinge that surrounds the card when folded, is obvious, as a means to removably hold the card (see US 4,884,507). Re claim 18, a fold line is taught via FIG. 1a. Re claim 19, Ueda teaches a strip 3 connected to first and second sections.

Ueda is silent to the housing having at least one dimension smaller than a standard transaction card when the housing is in the folded and closed state.

Elnekaveh teaches a money clip and cardholder (FIG. 1). Though Elnekaveh teaches a card holding receptacle on one side, the Examiner notes that the money clip itself is interpreted as a housing that surrounds a card in a folded state. The housing has a dimension smaller than a transaction card (its narrower than a standard transaction card length). Re claim 2-6, 9, 10, and 11, the limitations are taught via FIG. 1. The Examiner interprets the money clip as a housing that surrounds the card, that the card is removably attached by being clipped to the housing, that the spring-loaded hinge is an actuator/opening means to open the housing/clip to access the foldable cards.

4. Claims 1-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda in view of Hogganvik (US 2003/0037851).

Re claims 1-2, Ueda teaches a foldable transaction card with first and second sections hingably attached (FIG. 1a+). Ueda is silent to a housing surrounding the card with a hinge for folding the housing. The Examiner notes that hinged boxes, wallets, purses, organizers, etc. for example, are well known and conventional for holding secure items, such as cards. Simply reciting a housing for a card it therefore obvious and conventional in the art, and as claimed, the housing is not integral to the card. Simply specifying a housing with a hinge that surrounds the card when folded, is obvious, as a means to removably hold the card (see US 4,884,507). Re claim 18, a fold line is taught via FIG. 1a. Re claim 19, Ueda teaches a strip 3 connected to first and second sections.

Ueda is silent to the housing having at least one dimension smaller than a standard transaction card when the housing is in the folded and closed state.

Hogganvik teaches a housing that surrounds the transaction card, has a hinging means for folding and closing, and has at least one dimensions smaller than a standard transaction card (FIG. 1+). Though Hogganvik is silent to cards being folded, the Examiner notes that it is obvious that Hogganvik could accommodate folded cards. Re claims 2-3, the cards are removably disposed in the housing, and as being so are interpreted as attached to the housing. Re claim 4, Hogganvik teaches a spring 10 is disposed between the first and second sections to help bias the sections. Re claim 5, the first section of the transaction card is attached to the first section of the housing (FIG. 1). As the claim merely recites two sections of a housing, the Examiner interprets the left and right sections (including attaching means in each section) of the housing as the two sections, for claim 5, and accordingly, a first section of the transaction card can be attached to a first section of the housing. Re claim 6, the attaching means are taught via FIG. 1. Re claim 7, the Examiner interprets the gap between the attaching means (FIG. 2) as a track to receive cards. Re claim 8, the Examiner notes that the card is removable from the track. Re claims 9-10, though Hogganvik teaches the housing is opened and springs open (paragraph [0045]), Hogganvik is silent to opening/actuator means. However, the Examiner notes that actuators/opening means to open a housing are well known and conventional in the art, for convenience, such as a user operated button, slider, switch, etc. (see Middlemiss et al. as cited in the previous Office Action). Re claim 11, the spring-loaded hinge has been discussed above. Spring-loaded hinges are well known in the art for effecting opening/closing. Re claim 12, it has been discussed above that the spring-loaded hinge springs the housing open when opened.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Ueda with those of Hogganvik.

One would have been motivated to do this to have a means to carry and transport cards.

#### ***Allowable Subject Matter***

5. Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach that the second section of the card unfolds outside the housing when the housing is opened.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-9 and 18-19 have been considered but are moot in view of the new ground(s) of rejection. In response to the Applicants amendment of the claims, the Examiner has set forth new ground of rejection above. The Examiner notes that the amended claims do not recite that the length of the housing has to be smaller than the length of a standard transaction card, but merely that the housing has a dimension smaller than a standard transaction card. Accordingly, the width of the housing of a standard transaction card (smaller dimension of the housing) is smaller than the length of a standard transaction card (larger dimension of the card), and thus reads on the limitations. The claims do not require the dimensions being compared are the same type (length of housing to length of card, etc.)



***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Knickle (US 5,279,019), Kokubu (US 5,710,421), Hill (US 6,223,977), Nagel (US 2005/0011776), Johnson (US 4,356,646), Purvis (D307,979), Riley (US 6,845,863), Roegner (US 6,227,424), Sumner (US 5,520,424), Osher (US 3,446,260), Andreae (US 6,148,484), Kaminski (US 6,082,422), Osterbye (US 5,938,010), and Murt (US 4,056,139).

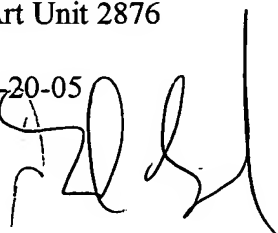
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh  
Examiner  
Art Unit 2876

4-20-05



KARL D. FRECH  
PRIMARY EXAMINER